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APPLICATION NO). FII	LING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/085,664 02/27/2002		Deepak Murpani	RLL-201US	8677	
26815	7590	06/29/2004		EXAMINER	
	EP R. DES Y PHARMA	HMUKH CEUTICALS INC.	CRIARES, THEODORE J		
600 COLLEGE ROAD EAST				ART UNIT	PAPER NUMBER
SUITE 2100 PRINCETON, NJ 08540			1617		
			DATE MAILED: 06/29/2004		

Please find below and/or attached an Office communication concerning this application or proceeding.



Office Action Summary The MALING DATE of this communication appears on the cover sheet with the correspondence address Period for Repty A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MALING DATE OF THIS COMMUNICATION. A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MALING DATE OF THIS COMMUNICATION. 1 the period for reply septicidate date the septimize of 3 CPR 1.13(6), in no event, however, may a reply be fromly filed. 1 the period for reply septimidate in the septimize of 3 CPR 1.13(6), in no event, however, may a reply be fromly filed. 1 the period for reply septimidate in the replication of 1 CPR 1.13(6), in no event, however, may a reply be fromly filed. 1 the period for reply septimidate in the replication of 1 CPR 1.13(6), in no event, however, may a reply be fromly filed. 1 the period for reply septimidate on the maximum school replaced and length of the communication. 1 the period for reply septimidate on the maximum school replaced in the period for reply septimidate. 2 the period of the period for reply septimidate of the communication, seen if the period for reply septimidate. 3 (Part of the second of the communication. 4 (Part of the second of		Application No.	Applicant(s)			
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CLAIMS 1-20, 25-28, 30 and 31 ARE PRESENTED FOR

EXAMINATION

Applicants' papers filed March 26, 2004 have been entered in the file and carefully considered. New claim 29 is drawn to a method of and not to a composition and is withdrawn from consideration.

Applicants' relates to an oral tablet composition. The claims are so drafted, comprising one or more drugs that act as a cyclooxygenase-2 inhibitor, croscarmellose sodium, and one or more pharmaceutically acceptable excipients, wherein as least one of the pharmaceutically acceptable excipients comprises a filler.

Applicant's arguments with respect to claims 1-31 have been considered but are most in view of the new ground(s) of rejection.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-31 are rejected under 35 U.S.C. 102(b) as being anticipated by Bertelsen et al. (6,713,089).

Bertelsen et al. teach the preparation of a quick release oral tablet (Example 19 and column 1, lines 4-10), excipients including applicants claimed fillers comprising

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cyclooxygenase-2 inhibitors (see column10, line 53 and column 11, lines 1-3) and croscarmellose sodium. See column 14, lines 59-60.

The excipients, fillers and binders of claims 6-20 are taught at column 14, line 16 to column, 15, line 36.

The amounts of agents to be incorporated into the tablet, claims 25-28, 30 and 31 are taught at column 6, lines 43-49.

Claim 29 is withdrawn as it recites a process and is within the non-elected invention.

Since all of the elements of applicants' claims are within the the cited reference the rejection under 35 USC § 102 is deemed proper.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

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consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-20, 25-28, 30 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bertelsen et al. (6,713,089)

Berttelsen et al. teach the elements of applicants' claims. The difference between the reference and the claims is that the reference does not claim the specific components of the composition. However, one of ordinary skill in the art would be motivated to formulate applicants' claimed composition since all of the elements therein are known for the purposes claimed. The data has been reviewed and there is a lack of criticality set forth in the claims as to the excipients used in the formulation of the applicants' tablet. Further, the claims fail to recite the amounts which would illustrate unexpected and surprising results of the cited art.

None of the claims are allowed.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Theodore J. Criares whose telephone number is (571) 272-0625. The examiner can normally be reached on 6:30 A.M. to 5:00P.M. Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sreenivasan Padmanabhan can be reached on (571) 272-0629. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Theodore J. Criares

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